



GANNAWARRA

Shire Council

Monday, 25 March 2024

4:30 PM

Kerang Senior Citizen Community Rooms

154 Boundary Street, Kerang

AGENDA

Special Council Meeting

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Geoff Rollinson
CHIEF EXECUTIVE OFFICER

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to take this time to acknowledge the Traditional Custodians of the land, and pay my respects to elders both past and present.

2 OPENING DECLARATION

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

3 APOLOGIES AND LEAVE OF ABSENCE

4 DECLARATION OF CONFLICT OF INTEREST

The Local Government Amendment (Councillor Conduct and Other Matters) Act 2008.

A Councillor, member of a special committee, or member of Council staff has a conflict of interest in a matter if he or she has a *direct interest* or an *indirect interest* in that matter.

A person has a *direct interest* in a matter if there is a likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This includes where there is a likelihood that the person will receive a direct benefit or loss that can be measured in financial terms or that the residential amenity of the person will be directly affected if the matter is decided in a particular way.

A person has an *indirect interest* in a matter if the person has:

- a close association in the matter because a family member, a relative or a member of their household has a direct or indirect interest in the matter
- an indirect financial interest in the matter
- a conflicting duty – although there are circumstances where a person does not have a indirect interest because of a conflicting duty
- received an ‘applicable gift’
- become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter.

Disclosure of conflict of interest

If a Councillor or member of a special committee has a conflict of interest in a matter which is to be or is likely to be considered at a meeting of the Council or special committee, the Councillor or member must:

- if he or she will be present at the meeting, make a full disclosure of that interest by advising of the class and nature of the interest to either –

- the Council or special committee immediately before the matter is considered at the meeting, *or*
- in writing to the Chief Executive Officer (CEO). Where the disclosure is made to the CEO in writing, the Councillor or member need only disclose the class of interest to the meeting, immediately before the matter is considered.
- if he or she will not be present at the meeting, make a full disclosure to the CEO or Chairperson of the meeting, in writing, of the class and nature of the interest. If a Chairperson is given a written disclosure, he or she must give the written disclosure to the CEO.
- The CEO must keep written disclosures in a secure place for three years after the date the Councillor or member of the special committee who made the disclosure ceases to be a Councillor or member, and destroy the written disclosure when the three year period expires.
- While the matter is being considered or any vote taken, the Councillor or member of a special committee with the conflict of interest must leave the room and notify the Mayor or Chairperson of the special committee he or she is doing so. The Mayor or Chairperson must notify the Councillor or member that he or she may return to the room after consideration of the matter and all votes have been cast.
- A CEO or Chairperson of a special committee must record in the minutes of the meeting the declaration of the conflict of interest, the class of the interest and, if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- A failure by a Councillor or member to comply with Section 79 of the Act may result in a penalty of up to 100 penalty units and disqualification under Section 29(2) of the Act.

5 BUSINESS REPORTS FOR DECISION

5.1 DOMESTIC ANIMAL MANAGEMENT PLAN - ANNUAL REVIEW

Author: Kellie Burmeister, Manager Planning and Regulatory Services

Authoriser: Wade Williams, Director Infrastructure and Development

Attachments: 1 Domestic Animal Management Plan 2021-2025

RECOMMENDATION

That Council:

1. Receive the annual review of the Domestic Animal Management Plan;
 2. Adopt the revised Domestic Animal Management Plan; and
 3. Approve the Chief Executive Officer to make administrative changes to the Plan as required.
-

EXECUTIVE SUMMARY

Council must review the Domestic Animal Management Plan (DAM Plan) on an annual basis and if appropriate, amend the plan. A copy of the DAM Plan must be provided to the Secretary, including any amendments. In addition, Council must also publish an evaluation of the implementation of the DAM Plan in its annual report.

PURPOSE

To ensure responsible pet ownership and animal welfare through compliance with the *Domestic Animals Act 1994*.

ATTACHMENTS

The Domestic Animal Management Plan 2022-2025 with relevant updates.

DISCUSSION

The Domestic Animal Management Plan 2022-2025 was adopted by Council in October 2022 and reviewed in April 2023. The DAM Plan states that under section 68A (3) of the *Domestic Animals Act 1994*, every Council must:

- a) review its domestic animal management plan annually and, if appropriate, amend the plan;
- b) provide the Secretary with a copy of the plan and any amendments to the plan; and
- c) publish an evaluation of its implementation of the plan in its annual report.

The plan addresses responsible pet ownership and animal welfare by focussing on registration, identification, dog attacks, nuisance behaviour, dangerous, menacing, and restricted breed dogs, and animal businesses. It also deals with Council's domestic animal control services, authorised officer training, emergency management and matters relating to the enforcement, compliance and evaluation of the Council's control measures.

The review highlights the following:

- There was a significant increase in both dogs and cats impounded during 2023, however, wildcats trapped remains consistent with the previous year;
- The number of registered domestic animals in 2023 remains consistent with the previous year;
- Funding was received to undertake a desexing program in 2023. 43 domestic animals were desexed which included 13 dogs and 30 cats.

Animal registration	2020	2021	2022	2023
No. of registered dogs	1923	2158	1758	1751
No. of registered cats	383	426	330	331
No. of registered declared dogs	2	1	1	0

	2020	2021	2022	2023
No. of reported dog on animal attacks	10	8	10	7
No. of reported dog on people attacks	5	6	1	1
No. of reported dog on livestock attacks	5	4	1	7
TOTAL	20	18	12	15

Council is required to include in its annual report, in accordance with Section 68A (3)(c) of the *Domestic Animals Act 1994*, a review on the performance measures against the activity/evaluation tables contained in the DAM Plan. Activities include educational programs, registration of domestic animals, reduction of animals at large, decreased numbers of dog attacks and increases in compliance as measures of success.

Minor changes have been made to the plan to include the final 2023 figures and updated staff details.

RELEVANT LAW

Section 68A (3) of the *Domestic Animals Act 1994*, requires Council to review and amend (if necessary) its DAM Plan annually, provide a copy of the plan to the Secretary and publish an evaluation of the implementation of the DAM Plan in its annual report.

RELATED COUNCIL DECISIONS

The DAM Plan was originally adopted by Council in October 2022 and then reviewed in April 2023.

OPTIONS

To ensure legislative compliance, the DAM Plan must be annually reviewed and presented to Council to note.

SUSTAINABILITY IMPLICATIONS

Council plays an important leadership role in supporting and promoting responsible pet ownership, community safety and active and healthy lifestyles.

Council recognises that improved health and well-being can be attributed directly to animal ownership and understands the need to balance the requirements of the community, animal owners and the animals that are such a significant part of many people's lives.

It is important that Council adopts a multi-faceted approach in the DAM Plan. Council must improve community awareness of the benefits of responsible pet ownership through targeted education programs and positive incentives aimed at greater compliance.

COMMUNITY ENGAGEMENT

Community engagement occurred as part of the development of the DAM Plan in 2022.

INNOVATION AND CONTINUOUS IMPROVEMENT

The data and information gathered as part of the review of the DAM Plan is used to improve services and processes as necessary.

COLLABORATION

No external collaboration has been sought with other Councils and Government and statutory bodies in the preparation and review of the DAM Plan.

FINANCIAL VIABILITY

Animal registrations and control are budgeted for annually. The reduction in animal registrations may have a minimal effect on the annual budgeted figures.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

All Councils in Victoria must develop a Domestic Animal Management Plan which is adopted every four years.

COUNCIL PLANS AND POLICIES

Gannawarra Shire Council Plan 2021 - 2025 – Goal 1 Liveability – Improve the health, safety and wellbeing of our community through partnerships, services and programs.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares no conflict of interest in regard to this matter.

GANNAWARRA SHIRE COUNCIL

DOMESTIC ANIMAL MANAGEMENT PLAN



2022-2025





Amendment Details

Plan no.	Page	Description	Date	Amendment details
2022.01	All	Adoption	19 October 2022	Domestic Animal Management Plan adopted by Council
2022.01	All	Submission to Department of Jobs, Precincts and Regions (DJPR)	4 November 2022	DAM Plan submitted to DJPR
2022.01	All	Submission to Department of Jobs, Precincts and Regions (DJPR)	April 2023	DAM Plan submitted to DJPR
2022.01	All	Submission to Department of Jobs, Precincts and Regions (DJPR)	March 2024	DAM Plan submitted to DJPR

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1 Introduction and context

1.1 PURPOSE OF DOMESTIC ANIMAL MANAGEMENT PLAN

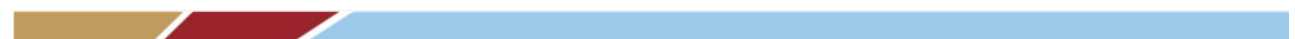
The *Domestic Animals Act 1994 (the Act)* requires Council to prepare a Domestic Animal Management Plan (**DAM Plan or the Plan**) every four years.

The Plan must set out a method for evaluating whether the animal management services provided by Council are adequate to give effect to requirements of the Act and the Domestic Animal Regulations 2015.

The Plan must also outline programs for the training of authorised officers along with programs, services and strategies to:

- ensure that people comply with the Act, the regulations and any related legislation; and
- minimise the risk of attacks by dogs on people and animals; and
- address any over-population and high euthanasia rates for dogs and cats; and
- encourage the registration and identification of dogs and cats; and
- minimise the potential for dogs and cats to create a nuisance; and
- effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
- provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
- provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
- provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

Council is also required to review and where appropriate amend the plan and publish an evaluation of the implementation of the plan in Council Annual Report.





1.2 PROCESS APPLIED IN DEVELOPING THE PLAN

The Plan was developed by Council's Local Laws staff with information from the annual reviews of the 2017-2021 DAM Plan and observations of trends in complaints to Council and incidents involving domestic animals in the Gannawarra Shire. Local vet clinics were also consulted regarding issues that they believe are important to local residents and animal owners. The Local Laws team have aimed to set realistic objectives which have measurable goals.

The DAM Plan was available for public consultation after the draft was approved at the Council meeting in August 2022. This consultation involved face to face meetings, newspaper content and social media posts.

1.3 DEMOGRAPHIC AND PROFILE OF COUNCIL

Gannawarra Shire is a three hour drive from Melbourne and has an area of 3,736 square kilometers, bordered by the Murray River to the north. Gannawarra is a diverse agricultural region within the Loddon Murray Region of northern Victoria and strategically located along the Murray River between Echuca and Swan Hill. It includes the main service centers of Kerang, Cohuna and Koondrook along with the villages of Murrabit, Quambatook, Lalbert, Macorna, Lake Charm, Leitchville and Mystic Park. Gannawarra Shire's population is approximately 10,500, including around 4,200 households with a median household income of \$908 per week.





1.4 CONTEXT AND CURRENT SITUATION

Program/Service	Service Level
Identification & registration - dogs	1897.5 dogs registered (average over past 4 years)
Identification & registration - cats	367.5 cats registered (average over past 4 years)
Identification & registration - door-knock campaigns	Due to limited resources in Local Laws department this activity has not occurred over the past DAM Plan period.
Domestic animal complaints	Approvals and inspections etc. within 10 days General non urgent complaints within 5 days Urgent issues within 2 days
Dangerous Dogs complaints	Response time - within 48 hours
Routine street patrols	Demand driven
Pound	8 hours per day / 5 days per week by appointment
Microchipping and/or desexing programs	Desexing program undertaken in 2023
RPO School information sessions	As requested
After hours emergency service	On call 365 days per year

1.5 DOMESTIC ANIMAL STATISTICS

The domestic animal statistics and charts summarised below are shown in the relevant section of the DAM Plan.

Content and data	Section and title
Registered dogs / cats	Section 5 Registration and identification
Declared dogs	Section 8 Dangerous, Menacing and Restricted breed dogs
Registered domestic animal businesses	Section 9 Domestic Animal Businesses
Animals seized or surrendered	Section 4 Overpopulation and high euthanasia
Cats and dogs reclaimed, rehomed or euthanased	Section 4 Overpopulation and high euthanasia
Complaints relating to cats and dogs	Section 6 Nuisance animals



2 Training of Authorised Officers

This section outlines current qualifications and future training programs for authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district. *Compliant with Section 68A(2)(b) of the Act.*

2.1 CONTEXT AND CURRENT SITUATION

Gannawarra Shire Council currently employs the following animal management staff:

Current staff			
Officer	EFT	Position	Training and qualifications (completed)
Officer 1	1 EFT	Community Amenity Coordinator / Ranger (Authorised Officer)	Diploma in Natural Resource Management and Environmental Science Cert IV in Government Investigations Freedom of Information Training Human Trafficking in the Sex Industry Training Leadership Edge Report Writing and Policy Development Planning Enforcement Investigations Australian Public Service Investigation Interviewing Techniques Policy Implementation and Project Management Animal Behaviour, Animal Body Language & Dog Bite Prevention
Commenced in position October 2023			
Officer 2	1 EFT	Local Laws Officer / Ranger (Authorised Officer)	Bachelor Applied Science Diploma Equine Performance Horse Management Diploma Thoroughbred Racing Cert IV in Training and Assessment Veterinary Nursing Certificate Equine Artificial Insemination Certificate Traffic Management



2.2 OUR PLANNED TRAINING FOR AUTHORISED OFFICERS

Authorised Officers are required to be suitably qualified with a sound understanding and knowledge of a range of legislation including the *Domestic Animals Act 1994*. Apart from being able to administer and enforce the legislation, officers need to be able to communicate with all members of the community, defuse difficult situations and safely handle animals.

Authorised Officer Training	Planned (2021-2025)
Cert IV in Animal Control and Regulation or equivalent qualification*	Any new Officers (if not already qualified) to commence within first 12 months
Cert IV in Local Government (Statutory Compliance) or equivalent qualification*	For any new Officers (if not already qualified) to commence within first 12 months
Cert IV in Government Investigations	For any new Officers (if not already qualified) to commence within first 12 months
Online Induction Compliance Training <i>Occupational Health & Safety, Information Privacy; Fraud and Corruption; Workplace Bullying and Harassment; Victorian Charter of Human Rights and Responsibilities & Child Safe Standards</i>	For any new Officers Comprehensive induction within first week and rest of required modules within first three months.
Traffic control - animals on roads	New staff within first 12 months with annual refresher training
OH&S - Dealing with aggressive customers	Any new Officers (if not already qualified) to commence within first 12 months
Industry Training - prosecutions	Optional / senior staff training
Firearms Training	Licensing and safety course are required for any Officer required to use a firearm
First Aid	As scheduled by Council's HR department



2.3 OUR PLAN

Local Laws Officers are to receive relevant training to ensure tasks are performed in a safe and effective manner and within relevant legislation.

Objective 2.1 New and Relief Local Laws Officers to receive induction training		
Activity	When	Evaluation
New and Relief Local Laws Officers undertake Councils induction programs for new staff	Upon commencement	Employee completes standard inductions
Staff to undertake and complete role specific induction programs for Local Laws Officers.	During first 2 weeks of employment, then annual reviews.	Inductions completed and records stored in Personnel file with Human Resources

Objective2.2 Ensure animal management officers have the skills necessary to support the community and effectively perform their regulatory role		
Activity	When	Evaluation
Identify minimum required skills for Local Laws Officers	Prior to commencement of new staff, then annually to meet needs.	All role specific deficiencies and requirements are identified
Source specific training to increase Local Laws Officers skill levels	As required	Training successfully completed
Officers to complete all required relevant training, including upskilling.	As required	Copy of completion certificates for training kept on file with HR



3 Responsible pet ownership and compliance with legislation

This section outline programs, services and strategies which the Council intends to pursue in its municipal district to promote and encourage the responsible ownership of dogs and cats.
Compliant with Section 68A(2)(c)(i) of the Act.

3.1 CONTEXT AND CURRENT SITUATION

Local Laws Officers frequently provide one on one education and information to ensure animal owners fully understand their obligations and liabilities should their animals cause any incident. For those who refuse to adjust their behaviors regarding compliance, Local Laws Officers can first issue verbal or written warnings, however, if issues are ongoing they can escalate actions with Notices to Comply and Infringements being issued as a last attempt to gain compliance from pet owners prior to advancing to sterner measures such as prosecution.

3.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

Community Amenity Local Law 2023 / Division 2 – Your Animals

Clause 21 - Keeping Animals

Local Law regulating the numbers of dogs and/or cats that can be kept at a property

Clause 22 – Animal Accommodation

Local Law requiring Private Land to provide accommodation for animals which is appropriate

Clause 23 - Adequate Fencing

Local Law requiring Private Land to be fenced in a way that will prevent animals from straying or escaping

Clause 24 - Animal Excrement

Local Law requiring dog owners to carry a Litter Device and remove and dispose of faeces deposited by their dogs in public places

Clause 25 - Animal and Bird Noise

Local Law regarding prevention of any Animal or Large and/or Noisy Birds on the Private Land from sounding noise at unreasonable times

Council Policy No. 068 / Dogs & Cats – Designated Areas

Policy to:

- prohibit dogs from certain areas;
- prohibit cats from certain areas; and
- permit dogs in certain areas, but only on a leash.

3.3 OUR PLAN

Objective 3.1	Promote 'Safe Cat, Safe Wildlife' messaging among residents	
Activity	When	Evaluation
Display of Safe Cat, Safe Wildlife education material (brochures) at Customer Service counters	Commencing by end of January 2023	Reduction in number of cats impounded overall with focus on numbers in the month following the targeted Facebook posts
Social media promotion via link on Council website to www.safecat.org.au	Before end December 2022	

Domestic Animal Management Plan 2022-2025
Plan No. 2022.01



Facebook post and information in Gannawarra News page	November, February, May and August	
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Objective 3.2	Education campaign on the importance of registering and microchipping dogs and cats	
Activity	When	Evaluation
Facebook post and information in Gannawarra News page	March, June, September and December	Map trends on registered dogs and cats from data in Synergy database
GSC brochure on keeping contact details up to date with microchip registry to be distributed to animal owners with registration tag	Brochure to be updated by end September 2022 Ongoing from August 2022	Map trends of microchipping in animals impounded by Council



4 Overpopulation and high euthanasia

This section outline programs, services and strategies which the Council intends to pursue in its municipal district to address any over-population and high euthanasia rates for dogs and cats.

4.1 CONTEXT AND CURRENT SITUATION

Council makes every effort to reunite lost pets prior to impounding them.

However, current registration and up to date contact details on the pet's microchip records are vital for this to be truly successful. Far too many owners of lost microchipped animals cannot be contacted because phone numbers have been disconnected or the microchip is still under the breeder's or last owner's name.

Unidentified animals are impounded and advertised on Council's website and Facebook page for eight days. Animals that are claimed by owners are required to be registered and microchipped before they can be released from the pound. After 8 days any unclaimed animals that are suitable to be rehomed are transferred to a rehoming organisation via a section 84Y agreement.

Stray and feral cats continue to be an issue in the municipality. Issues we experience range from uncontrolled breeding to attacks on domestic cats and ongoing wildlife predation. Council assists with cat trap hire to remove unwanted and unowned cats with the vast majority of stray or wild cats being caught in a Council provided trap.

It is important that community members are educated and take responsibility for their cats by registering, microchipping, de-sexing and securely confining them to their property. Because of this over the next 4 years Councils intends stepping up public awareness campaigns to try and rectify many of these issues.

Our current data

Dogs & Cats Impounded & Euthanased	2020	2021	2022	2023
Dogs impounded	39	39	66	120
Dogs Euthanased	5	1	0	2
Domestic Cats Impounded	27	43	119	137
Domestic Cats Euthanased	1	2	0	4
Wild-cats trapped & Euthanased				
Wild-cats trapped	60	96	84	88
Wild-cats Euthanased	60	96	84	88

4.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

Community Amenity Local Law 2023 / Division 2 – Your Animals

Clause 21 - Keeping Animals

Local Law regulating the numbers of dogs and/or cats that can be kept at a property.

Clause 22 – Animal Accommodation

Local Law requiring Private Land to provide accommodation for animals which is appropriate

Clause 23 - Adequate Fencing

Local Law requiring Private Land to be fenced in a way that will prevent animals from straying or escaping.



Under the Act, a reduced registration fee is applicable to sterilised dogs and cats.

Our current education/promotion activities

- Provide education on responsible pet ownership and on confinement of cats
- Promote microchip identification and de-sexing of animals

Our current compliance activities

- Operation of a domestic animal pound for impounded animals
- Advice to public regarding animals currently in the Council Pound on the Council website and Facebook page
- Council trapping program for wildcats
- Rehousing of suitable animals under Section 84Y agreement
- Investigate reports of unregistered breeders

4.3 OUR PLAN

To increase levels of responsible pet ownership of cats, reduce unwanted and uncontrolled breeding in domestic animals and retain low euthanasia rates for impounded animals.

Objective 4.1	Provide education on responsible pet ownership and on confinement of cats	
Activity	When	Evaluation
Owners of trapped cats to be made aware of responsibilities of cat ownership	Ongoing	Reduction of reoccurring offences of impounding of cats
Media releases - newspaper, Facebook	Ongoing but focus on times of increased cat breeding cycles	Record number of media releases and Facebook posts
Website links to AWW information		Information placed onto website

Objective 4.2	To educate community regarding wildcat population / reduce wildcat population	
Activity	When	Evaluation
Purchase additional cat traps	December 2023	Increase total number of cat traps owned by Council
Investigate (and instigate if viable) Council Order to confine cats	December 2022	Council Order in place
Investigate (and instigate if viable) cat de-sexing program	Ongoing	Assessment of viability of cat de-sexing program completed. If viable, apply for grant and if successful, implement program. Data reported in DAM Plan.

Objective 4.3	To continue Section 84Y agreement/s with approved animal rescue organisation/s	
Activity	When	Evaluation
Maintain current 84Y agreements	Ongoing	Agreements renewed



Investigate and instigate additional 84Y agreements	As required	Suitable agreements implemented
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5 Registration and identification

This section outline programs, services and strategies which the Council intends to pursue in its municipal district to encourage the registration and identification of dogs and cats.

Compliant with Section 68A(2)(c)(v) and Section 68A(2)(a),(c)(i),(c)(ii),(d),(f) of the Act

5.1 CONTEXT AND CURRENT SITUATION

Our current data

Animal registration	2020	2021	2022	2023
No. of registered dogs	1923	2158	1758	1751
No. of registered cats	383	426	330	331
No. of registered declared dogs	2	1	1	0
Infringements issued	2020	2021	2022	2023
Failure to register dog or cat	3	1	0	0
Failure to renew registration of dog or cat	0	0	0	0

Fee Structure 2022/23

Full fee Unsterilised dog or cat \$130.00

Full fee Dangerous Menacing Dog \$130.00

Councils Registration Concessions.

Reduced fee – Sterilised \$43.00

Reduced Fee – Aged dog or cat (over 10 years) \$43.00

Reduced Fee – Applicable organisation \$43.00

Reduced Fee – Obedience trained dog \$43.00

Reduced Fee – Working dog \$43.00

Reduced Fee – Eligible pensioner 50% of applicable fee

5.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

Community Amenity Local Law 2023 / Division 2 – Your Animals

Clause 21 – Keeping Animals

Local Law regulating the numbers of dogs and/or cats that can be kept at a property

Procedures

Animal registration timeline	
1-Mar	approximate date renewals for animal registration will be posted to animal owners
1-Mar	information on local radio regarding animal registration renewals due on 10 April
1-Apr	information in Gannawarra News page of the Gannawarra Times regarding animal registration renewals due on 10 April
10-Apr	Renewals for animal registration due
18-Apr	Reminder letters to be generated including late payment fee
18-Apr	Late payment fee to be charged on animal registration renewal payments
10-May	Phone calls to follow up on un-renewed animal registration.

Domestic Animal Management Plan 2022-2025
Plan No. 2022.01



June	Infringements to be generated for 'Failure to renew registration' under <i>Domestic Animals Act 81/1994 S.10(2) - 2747</i>
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Our current education/promotion activities

- Education of pet owners to continually check and update contact details at microchip registries
- Provision of Council animal registration application and link to online registration form to owner by vet clinic when an animal is microchipped
- Education and information provided to animal owners on an ad hoc basis

Our current compliance activities

- Registration and identification for domestic animals (dogs and cats)
- Registration renewal notices sent in March with follow up reminder notices sent during April
- Follow up with animal owners who fail to renew registration of their domestic animals
- Follow up on registration of animals adopted from Rehousing Organisations or purchased from domestic animal breeding businesses
- Follow up and correction of all information in Council's animal registration register
- Registration and identification of dangerous, menacing and restricted breed dogs
- Mandatory registration and microchipping of animals prior to release from pound
- Permanent identification number registration tags
- Investigation and compliance service



5.3 OUR PLAN

To increase the number of registered dogs and cats in the Municipality by 3 – 5%.

Objective 5.1 Increase in the number of animal registrations each year		
Activity	When	Evaluation
Targeted inspections of both urban and rural areas	As resources allow	Data analysed to show total number of animals identified as registered/unregistered and compliance after follow up
Return to home incentives for registered and microchipped pets found wandering for the first time.	Ongoing	To be assessed from impound numbers.

Objective 5.2 Education regarding awareness of requirement for Council registration		
Activity	When	Evaluation
Media releases - newspaper Facebook	January & July each year January & July each year	Record number of media releases Record number of Facebook posts
Links on Council website to AWV information	Ongoing	Maintain links on the Council website to the following: AWV, Dogs Cats Neighbours & you, and RSPCA Victoria.
Issue warnings prior to penalties to promote education.	Permanent ongoing practice	Observe registration numbers and reduction in wandering pets.



6 Nuisance Animals

This section outlines programs, services and strategies which the Council intends to pursue in its municipal district to minimise the potential for dogs and cats to create a nuisance.

6.1 CONTEXT AND CURRENT SITUATION

The most common complaints received by Council's Local Laws Department relate to roaming and/or stray dogs and cats with noise a significant second.

Nuisance categories (complaints)	2020	2021	2022	2023
Dog at large	67	93	84	100
Cat at large (cats impounded plus wildcats)	87	139	203	225
Animal noise/nuisance (dogs & cats)	73	57	43	56
Dog excrement	2	2	0	2

Our current education/promotion activities

- Use of Council's website to educate pet owners
- Education and information services provided, as resources and opportunity allow
- Education and information provided to increase community awareness of Council's on-leash policy
- Media and promotion regarding responsible pet ownership

Our current compliance activities

Current programs in place to minimise the incidence of nuisance animals include:

- Routine vehicle patrols across the municipality on a daily basis
- Operation of a domestic animal pound for impounded animals (capacity of eight dogs / three cats)
- Community education regarding responsible pet ownership
- Provision of cat cages for trapping nuisance cats (currently 40 traps owned by Council)
- Council trapping program for wildcats
- Barking dog noise log record sheets provided to complainants
- Respond to all nuisance complaints and follow up on compliance within 48 hours



6.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

Community Amenity Local Law 2023 / Division 2 – Your Animals

Clause 23 - Adequate Fencing requiring private land to be fenced in a way to stop animals escaping.

6.3 OUR PLAN

Objective 6.1 Reduce number of cats at large		
Activity	When	Evaluation
Provision of cat traps to residents as required	Ongoing	Data re cat trap use collected in Shelter Manager program
Access grants to allow Council to provide financial assistance to residents for de-sexing of dogs and cats	When available	Successful grant application

Objective 6.2 Educate community regarding wildcat population / reduce wildcat population		
Activity	When	Evaluation
Link on Council website to AWV information regarding wildcats / feral cats	Website to be updated by end September 2022	Information available on website
Media releases on the following topics: <ul style="list-style-type: none"> • Cat traps available • Rules for cat trap use • Legislation about cats at large • Unowned cats 	Quarterly	Quantity and details of media releases are available from Council's Communications and Media Officer

Objective 6.3 Increase community awareness and understanding regarding on-leash and restricted areas for domestic animals.		
Activity	When	Evaluation
Media awareness	Twice yearly	Observed reduction in offences.
Maps showing off leash areas	September 2022	Council website updated to show locations

Objective 6.4 To reduce domestic animal excrement in public places and educate animal owners of the requirement to carry a litter device		
Activity	When	Evaluation
One on one education	Ongoing	Reduction in excrement complaints
Map of location of receptacles for excrement litter bags on Council website	December 2022	Website updated with map



7 Dog attacks

This section outlines programs, services and strategies which the Council intends to pursue in its municipal district to minimise the risk of attacks by dogs on people and animals.

Compliant with Section 68A(2)(c)(iii) and Section 68A(2)(a),(c)(i),(c)(ii),(d),(f) of the Act.

7.1 CONTEXT AND CURRENT SITUATION

Our current data

	2020	2021	2022	2023
No. of reported dog on animals attacks	10	8	10	7
No. of reported dog on people attacks	5	6	1	1
No. of reported dog on livestock attacks	5	4	1	6
TOTAL	20	18	12	14

Infringements issued	2020	2021	2022	
Non-serious injury caused by dog attack	0	0	0	0

Confinement of dogs is a priority because the instances of wandering dogs increases risk to other pets, humans and livestock, and consumes time and resources of Local Laws officers.

Often when a dog attack is reported, officers find that it is a recurrence of an offence that went unreported previously. Had initial attacks been reported, subsequent attacks may have been averted.

Education is still required to encourage community members to report dogs at large, dogs rushing and dog attacks of all types (minor or serious).

7.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

Community Amenity Local Law 2023 / Division 2 – Your Animals

Clause 23 - Adequate Fencing

Local Law requiring Private Land to be fenced in a way that will prevent animals from straying or escaping

Council Policy No. 068 / Dogs & Cats – Designated Areas

Policy to:

- prohibit dogs from certain areas;
- prohibit cats from certain areas; and
- permit dogs in certain areas, but only on a leash.

Our current education/promotion activities

- Provision of education and information to community about responsible pet ownership
- Encourage dog de-sexing to assist in reducing the incidence of wandering animals

Our current compliance activities

Current programs in place to minimise the incidence of dog attacks include:

- Respond to notification of dog attack (immediate - including 24 hour emergency service)
- Investigation of reported attacks, and follow up on compliance



7.3 OUR PLAN

Objective 7.1 Awareness campaign for both property/stock owner and animal owner re: potential destruction of dog found in paddock with stock		
Activity	When	Evaluation
Media release (newspaper, Facebook and website)	February August	Record number of media releases

Objective 7.2 Education regarding responsible pet ownership with focus on dogs at large		
Activity	When	Evaluation
Media releases	ongoing	Record number of media releases Information placed onto website
Educate owners about liabilities from dogs wandering.	ongoing	Record number of media releases Information placed onto website

Objective 7.3 Obtain data from external sources regarding dog attacks		
Activity	When	Evaluation
Public awareness to inform owners of process to report attacks.	Ongoing	Increased information and reports received.



8 Dangerous, Menacing and Restricted breed dogs

This section outlines programs, services and strategies which the Council intends to pursue in its municipal district to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations. *Compliant with Section 68A(2)(c)(vii) and Section 68A(2)(a),(c)(i),(c)(ii),(d),(f) of the Act.*

8.1 CONTEXT AND CURRENT SITUATION

Our current data

There is currently one declared dangerous dog, no declared menacing dogs and no restricted breed dogs in the Gannawarra Shire.

Animal registration	2020	2021	2022	2023
No. of registered dogs	1923	2158	1758	1751
No. of registered declared dogs	1	1	1	0

8.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

Dangerous, menacing and restricted breed dogs are controlled by the Act.

Our current education/promotion activities

- Education and information services provided, as resources and opportunity allow

Our current compliance activities

- Registration and identification of declared dangerous dogs, declared menacing dogs and restricted breed dogs including renewal.
- Ensure compliance with the requirements for keeping dangerous dogs
- Investigation and compliance
- All declared dangerous dogs, menacing dogs and restricted breed dogs to be listed on the Victorian Declared Dog Registry (VDDR)

8.3 OUR PLAN

To minimise the risks of dog attack to the community from declared and restricted breed dogs and to ensure that those dogs that are declared dangerous, menacing and those of restricted breed are kept in accordance with the legislation.

Objective 8.1	Increase Officer awareness of location of declared dangerous, declared menacing dogs or restricted breed dogs to improve safety when attending premises	
Activity	When	Evaluation
All locations where declared dangerous, declared menacing or restricted breed dogs are kept, will be identified on Council's mapping system	September 2022 and ongoing Council's Data Analyst to update mapping system as required	Council's mapping system identifies properties where declared dangerous, declared menacing or restricted breed dogs are kept

Domestic Animal Management Plan 2022-2025
Plan No. 2022.01



Objective 8.2	Ensure that declared dangerous dogs, declared menacing dogs and restricted breed dogs kept in Gannawarra Shire are kept in compliance with the Act and relevant Regulations	
Activity	When	Evaluation
Regular inspections of properties where declared dangerous, declared menacing or restricted breed dogs are kept to ensure compliance with the Act and Regulations	Quarterly in February, April, July and October	Inspections entered to SSCR as a task and copy of inspection report saved as an attachment to this SSCR record.



9 Domestic Animal Businesses

This section outlines programs, services and strategies which the Council intends to pursue in its municipal district to ensure that people comply with this Act, the regulations and any related legislation. *Compliant with Section 68A(2)(c)(ii) and Section 68A(2)(a),(c)(i),(c)(ii),(d),(f) of the Act*

9.1 CONTEXT AND CURRENT SITUATION

Our current data

Types of Domestic Animal Business (DAB) include a Council pound, a dog and/or cat breeding business, a dog training establishment, a pet shop, an animal shelter, an establishment boarding dogs or cats or an establishment that is rearing dogs or cats.

Other than the Council Pound, Council currently has no registered DABs.

9.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

Community Amenity Local Law 2023 / Division 2 – Your Animals

Clause 21 - Keeping Animals

Local Law regulating the numbers of dogs and/or cats that can be kept at a property

Our current education/promotion activities

- Supply and distribution of information related to DABs and the relevant codes of practice

Our current compliance activities

Council's programs/activities working with domestic animal breeding businesses include:

- Annual registration and renewal of Councils DAB permit
- Conduct regular audits of the Council pound facility to ensure compliance with regulations



9.3 OUR PLAN

To work in partnership with DABs to meet the requirements under the Act and approved Codes of Practice.

Objective 9.1 Identify unregistered DABs in the Gannawarra Shire		
Activity	When	Evaluation
Follow up on registration of possible DAB's identified	Ongoing	Identified DAB to be registered with Council

Objective 9.2 Ensure registered DABs are compliant with legislation		
Activity	When	Evaluation
Planning information to be provided to all applicants or interested parties to ensure that compliance with the Act and relevant codes are met when DABs are being established	As required	Quantity of Planning permits issued for Keeping of animals Annual permit renewals are sent to existing DAB in March each year for issue of permit by 10 April.

Objective 9.3 DAB information and application on Council website		
Activity	When	Evaluation
Update Council website to provide online application form	By end September 2022	Website contains current Council application form for DABs
Council website to contain current information available from AWV regarding DABs including a link to the Code of Practice for the Operation of Breeding and Rearing Businesses (2014) and Puppy farm legislation	By end September 2022 Ongoing	Website contains link to current information available from AWV regarding DABs



10 Other matters

This section provides for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary.

Compliant with Section 68A(2)(e) of the Act.

10.1 CONTEXT AND CURRENT SITUATION

Relevant programs, strategies and services implemented or proposed by Council have been already detailed in previous sections of this Plan.

10.2 OUR POLICIES AND PROCEDURES

Current policies and procedures

Council's Policy No. 068 Dogs & Cats – Designated Areas is an Order made under Section 26 of the Act. It requires dogs to be under effective control by means of a leash in a reserve or public place except where it is a Designated Area or a Prohibited Area. The Schedule to the Order lists the reserves and public places that are Designated or Prohibited Areas. The Policy is due for review in 2026.

Current compliance activities

An infringement for Dog/Cat Found in Prohibited Public Place can be issued for offences under section 26(1) of the Act relating to Council's Policy No. 068 Dogs & Cats – Designated Areas.

Offences under the Council Local Laws can result in the following infringements:

- Keeping Animals contrary to Local Law
- Keeping Animals without required accommodation
- Failure to provide adequate fencing
- Animal excrement remaining on Council land
- Failure to carry a suitable animal litter device

10.3 OUR PLAN

Objective 10.1	Information regarding emergency planning for domestic animals available to residents	
Activity	When	Evaluation
Council website to contain information about emergency planning for domestic animals	December 2022	Website updated to contain relevant information

Objective 10.2	To reduce community misunderstanding regarding Council Policy No.068 and provide clear information regarding off leash areas in the Gannawarra Shire	
Activity	When	Evaluation
Council Policy No.068 to be incorporated into the Council Local Laws	During the adoption of the a new Local Law	Included in new local law adopted by Council



11 Annual review of Plan and annual reporting

This section provides for the annual review of the Plan and annual reporting to provide assurance that the targets in the DAMP are being met.

Compliant with Section 68A (3)(a)(b)(c) of the Act

68A Councils to prepare domestic animal management plans

(3) Every Council must—

- (a) review its domestic animal management plan annually and, if appropriate, amend the plan
- (b) provide the Secretary with a copy of the plan and any amendments to the plan
- (c) publish an evaluation of its implementation of the plan in its annual report.

As required by DJPR, this DAM Plan will be reviewed annually and submitted to Council with any necessary amendments made. The amended version will then be forwarded to the Secretary of the DJPR as required under legislation.

A review of performance under the DAM Plan is required to be included in Council's Annual Report.

Measurements should relate to activities and evaluations in this Plan and should include educational programs, increased registration of domestic animals, reduction of animals at large, decreased numbers of dog attacks and increases in compliance and levels of community satisfaction as a measure of success.

It should be noted that if performance under the DAM Plan is not sufficient, further revision of the Action Plan and its methods may be required and should be recommended.

Domestic Animal Management Plan 2022-2025
Plan No. 2022.01



5.2 G01-2024 - DESIGN AND CONSTRUCT FOR APEX PARK ROAD AND KERVINS ROAD BRIDGE REPLACEMENTS

Author: Leigh Hollingworth, Manager Projects and Design.

Authoriser: Wade Williams, Director Infrastructure and Development

Attachments: 1 G01-2024 Evaluation

RECOMMENDATION

That Council:

1. Allocate funding of \$363,000 through Council's Capital Works budget to allow completion of the Apex Park Road and Kervins Road bridges.
2. Award a contract for the design and construction of Apex Park and Kervins Road bridges to Murray Constructions Pty Ltd for \$1,122,470.00 excluding GST, not subject to rise and fall.

EXECUTIVE SUMMARY

This report informs Council of the budgets and further cost implications for Council and seeks to award a contract for the design and construction of Apex Park Road and Kervins Road bridge replacements.

PURPOSE

To inform Council of the budgets and possible further cost implications for Council and seeks to award Contract G01-2024 Design and Construct for Apex Park Road and Kervins Road bridge replacements to Murray Constructions Pty Ltd.

ATTACHMENTS

G01-2024 Evaluation

DISCUSSION

Council has responsibility for 68 bridges and has been replacing aged timber structures with new concrete bridges which are designed to cater for larger heavy vehicle loads. The increasing demand to utilise High Mass/High Performance Vehicles (HPV), particularly to the farm gate, has increased the need for Council bridge assets to be upgraded to SM1600 standard.

To monitor its inventory of bridge assets, Council routinely engages consultant engineers to perform Level 2 bridge inspections to identify areas of concern, particularly with regards to structural components.

In 2023, the bridge at Apex Park Road, Reedy Lake suffered a failure and collapsed. The bridge provides access to one residence and the popular Apex Park facilities and free camping area.

An inspection after the October 2022 flood raised no areas on concern structurally. Due to the constant water levels in the Washpen Creek, Council has not been able to determine the exact cause of failure and it is possible it was due to excessive loads or a fault under the waterline.

A Level 2 inspection on Kervins Road bridge identified some components that required further investigation, a Level 3 inspection highlighted defects with some of the structural components of the bridge. Subsequently works have been carried out to strengthen these components.

Income

Funding for the replacement of the two bridges has been allocated from two separate grant opportunities.

Round 4 of the Local Roads and Community Infrastructure (LRCI) Program allocated Council \$760,226 under Part B which is to be used for road focussed projects. Council officers submitted the Apex Park Road and Kervins Road Bridges as projects under this funding. Budgets of \$522,000 and \$238,226 respectively were estimated based on previous projects, built for a square metre rate of \$3,177, with an allowance for escalations in construction costs.

Proposed budget allocations are shown in Table 1 subject to confirmation of the Bridges Renewal grant application being successful.

Table 1: Income Sources

	Grant	Source
Apex Pk Rd	\$ 522,000.00	LRCI Phase 4B
Kervins Rd	\$ 238,226.00	LRCI Phase 4B
Total	\$760,226.00	

Expenditure

Council advertised a tender for the design and construction of the Apex Park Road bridge and Kervins Road Bridge with a tender option to include McLean Road bridge into the contract. The awarding of the McLean Road bridge will be considered in a future report to Council.

A total of four tenders were received, the tender prices are shown below in Table 2. The cheapest tender has a replacement rate of approximately \$5,000/sqm which equates to a 57% increase in construction prices since 2020.

Table 2: Tendered Prices

	Apex Park Road	Kervins Road
Tenderer 1	\$ 883,795.22	\$ 564,429.40
Tenderer 2	\$ 1,275,879.92	\$ 936,281.10
Tenderer 3	\$ 622,220.00	\$ 500,250.00
Tenderer 4	\$ 793,841.31	\$ 564,453.74

RELEVANT LAW

Road Management Act 2004 (VIC)

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

1. Accept the tender for Apex Park Road and Kervins Road bridges and provide additional funding of \$363,000 through Council's Capital Works budget to allow completion of the projects and award a contract to Murray Constructions Pty Ltd for \$1,122,470.00 excluding GST not subject to rise and fall.
2. Divert the allocation of LRCI funding from Kervins Rd to the Apex Park Rd bridge to ensure its replacement and redirect any remaining allocation towards another project. Defer the Kervins Road bridge replacement until further funding is available.
3. Abandon the projects.

SUSTAINABILITY IMPLICATIONS

The bridges will be of concrete construction with a design life of 100 years. Throughout this time there should be minimal maintenance required compared to the existing timber bridges which are subject to termite damage and greater wear and tear.

COMMUNITY ENGAGEMENT

Consultation was initially undertaken with neighbouring property owners adjacent the Apex Park Rd bridge which has in turn informed the project specifications for the Kervins Rd bridge with regards to carriageway width.

INNOVATION AND CONTINUOUS IMPROVEMENT

Lessons learned in the past several years with completed bridge replacements have influenced the project specification for these bridges. For example, some recent bridges have consisted of plank decks which drain water longitudinally to each end of the deck instead of having cross-fall. This has proved problematic and resulted in maintenance and rideability issues, as a result these projects have specified a cross-fall on the deck of these bridges.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Committing to all two bridge replacements will result in an impact on Council's Capex budget as detailed in the Discussion above.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Central Murray Regional Transport Strategy

- Priority 11: Upgrade bridges and culverts.

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025:

- Goal 2 Growth - Facilitate infrastructure, programs and policies that support economic development and productivity, whilst considering our natural environment.

Bridge Asset Management Plan

- Reliability for freight: 100% of new construction to exceed SM1600.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares they have no conflict of interest in regard to this matter.

Gannawarra Shire Council

Contract name: Design and Construct for Apex, Kervins and McLean Roads Bridge Replacements
 Contract number: G01-2024

Criteria	Weight	Tenderer A		Tenderer B		Murray Constructions Pty Ltd		Tenderer D	
		Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score
1 Price - Financial Cost to Council	0.30	4.67	1.40	0.00	0.00	7.01	2.10	5.33	1.60
2 Tenderer's proposed time frame for completion of the bridge works	0.30	9.00	2.70	8.00	2.40	8.00	2.40	7.00	2.10
3 Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	7.00	1.40	7.00	1.40	9.00	1.80	9.00	1.80
4 Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks	0.10	9.00	0.90	9.00	0.90	8.00	0.80	9.00	0.90
5 Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	8.00	0.80	6.00	0.60	6.00	0.60	5.00	0.50
TOTAL WEIGHTEDSCORE :			7.20		5.30		7.70		6.90


Approximate Contract Total

Criteria	Weight	Comments	Comments	Comments	Comments
Price - Financial Cost to Council	0.30	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation
Tenderer's proposed time frame for completion of the bridge works	0.30	Completion: Apex Pk - July 24 Kervins - Sept 24	Completion: Apex Pk - Aug 24 Kervins - Sept 24	Completion: Apex Pk - Sept 24 Kervins - Sept 24	Completion: Apex Pk - Oct 24 Kervins - Dec 24
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	Good experience in civil works, some bridge experience. Has necessary resources to complete the projects.	Good experience in civil works, some bridge experience. Has necessary resources to complete the projects.	Extensive experience in bridge construction for a range of local and NSW State government. Has necessary resources to complete the projects.	Extensive experience in bridge construction for a range of authorities and local government. VicRoads prequalified for bridge construction. Has necessary resources to complete the projects.
Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks	0.10	ISO accredited for OHS, Quality and Environmental Registered in Rapid	ISO accredited for OHS, Quality and Environmental	ISO accredited for OHS, Quality and Environmental Registered in Rapid	ISO accredited for OHS, Quality and Environmental
Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	Based in neighbouring municipality with depot in Gannawarra. Employs some locals.	Based in regional Vic. Use of local suppliers and labourers where possible.	Based in regional NSW. Use of local suppliers and labourers where possible.	Metro based. Use of local suppliers and labourers where possible.

Evaluation Panel

Name: Leigh Hollingworth 
 Title: Manager Projects and Design

Name: Laine Gibbons 
 Title: Technical Officer

Name: Wade Williams 
 Title: Director Infrastructure and Development

These personnel were previously approved to form the Evaluation Panel.
 Consideration has been given when establishing the above evaluation panel to ensure proper probity issues are considered, especially when an existing contractor may be involved in the tender process.
 All members of the Evaluation Panel shall being signatories to this report declare their probity and confidentiality in dealing with this tender evaluation.
 The evaluation process used was in accordance with the adopted policies of Gannawarra Shire Council and were advised to all tenderers in the Tender Conditions.

Gannawarra Shire Council

Contract name: Design and Construct for Apex, Kervins and McLean Roads Bridge Replacements
Contract number: G01-2024

Based on "Lump Sum" only	Tenderer A	Tenderer B	Murray Constructions Pty Ltd	Tenderer D
Tender price:	1451174.62	2212161.02	1122470.00	1358295.05
Median Price	1404734.84	1404734.84	1404734.84	1404734.84
(Median Price -Tender Price)	-46439.79	-807426.19	282264.84	46439.78
10 x (Median \$ -Tender \$) / Median \$	-0.33	-5.75	2.01	0.33
Financial Criteria Score:	4.67	0.00	7.01	5.33

Median Price: \$ 1,404,734.84

5.3 PLANNING REPORT APPLICATION P23089

Author:	Kellie Burmeister, Manager Planning and Regulatory Services
Authoriser:	Wade Williams, Director Infrastructure and Development
Applicant:	Scolexia Pty Ltd
Owner:	Novo (Vic) Pty Ltd
Proposal:	The use and development of land for a poultry farm (free range layer hen facility) and associated buildings and works in accordance with the endorsed plans.
Location:	Lots 1, 2 and 3, TP173402. 8511 Murray Valley Highway, Kerang East.
Attachments:	Nil

RECOMMENDATION

That Council approve Planning Application P23089 for the use and development of land for a poultry farm (free range layer hen facility) and associated buildings and works in accordance with the endorsed plans subject to the following conditions:

Amended Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A detailed, fully dimensioned plan of the site showing all proposed buildings, infrastructure and works;
 - b) Fully dimensioned elevation plans of all proposed buildings, infrastructure and works;
 - c) Landscaping Plan as required by Conditions 22 and 34;

Layout not to be Altered

2. Use and layout of the site and the size of the proposed development and works detailed in the specifications and as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority except where specifically varied by conditions of this permit.

Size of Establishment

3. The maximum number of pullets housed in the poultry rearing facility at any time must not exceed 200,000 birds.
4. The maximum number of birds housed in the free-range egg laying facility at any time must not exceed 400,000 birds.

Operation of Facility

5. The poultry farm must at all times operate to the satisfaction of the Responsible Authority.

Drainage

6. All stormwater and surface water discharging from the site, buildings and works must be retained on site to the satisfaction of the Responsible Authority.

Road Safety Audit

7. Prior to the commencement of use of Hebb Road, a Road Safety Audit must be undertaken in accordance with Austroads *Guide to Road Safety Part 6: Road Safety Audit*. The audit findings

and the consultant's responses to the findings must be provided to the Council for review and approval.

8. The need for turn treatments must be considered and designed in accordance with Austroads *Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections*. Any mitigating works arising out of the audit must be designed and completed at no cost and to Council's satisfaction. Any works in the government road reserve require a Works Within the Road Reserve Permit from Council.

Road Upgrading

9. Prior to the commencement of use, the developer must upgrade Hebb Road from its intersection with Kerang-Macorna Road, to access major standard. This upgrade must begin from edge of the northbound lane of the Kerang-Macorna Road and incorporate earthworks, pavement, sealing, drainage, line-marking and signage, in accordance with plans and specifications approved by the responsible authority including:
 - a) Hebb Rd must be sealed to a point at least 50m from the edge of seal on Kerang-Macorna Road.
 - b) Installation of culvert under Hebb Road at the intersection with Kerang-Macorna Road.
 - c) High stress double/double seal or asphalt equivalent.
 - d) Intersection dimensions, works and turn treatments in accordance with Austroads Guide to Road Design and recommendations of the Road Safety Audit.Road construction details may only be varied in writing by the responsible authority at its sole discretion. All works to be at no cost to Council.
Any works in the government road reserve require a Works Within the Road Reserve Permit from Council.

Defects Liability

10. A 12 month defect liability period shall apply from the date of Responsible Authorities acceptance of practical completion of the road upgrade works. The developer shall arrange for a final inspection to be undertaken with Council representatives at least four (4) weeks prior to the expiration date of this defect liability period.

Vehicle Crossing

11. Any new or otherwise vehicular entrances to the subject land from the road shall be designed and constructed as per the Infrastructure Design Manual Standard Drawing 265. Consent for 'Works Within the Road Reserve' must be obtained from Council prior to carrying out any vehicle crossing works.

No Vehicle Access

12. Once the use has commenced, no direct access is permitted to the development from the Murray Valley Highway.

No Mud on Roads

13. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Surfacing

14. All driveways and vehicle movement areas, including car and truck parking areas associated with the poultry farm must be constructed, drained and surfaced with an all weather material and treated to prevent dust causing loss of amenity to the neighbourhood, or erosion, to the satisfaction of the Responsible Authority.

Environmental Health Office

15. All wastewater must be contained within the property boundaries to the satisfaction of Council's Environmental Health Officer.

Control Light Spill

16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

External Appearance

17. The external walls of the buildings must be clad in colorbond steel or other non-reflective material to the satisfaction of the Responsible Authority.

Amenity

18. The use and development of the site must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - d) Presence of vermin.

Environmental Management Plan

19. The use must at all times operate in accordance with the submitted Environmental Management Plan dated September 2023, Version A, reference SCL23-05-EMP-01 to the satisfaction of the Responsible Authority.

Nutrient Risk Assessment

20. The use must at all times operate in accordance with the Nutrient Risk Assessment Report dated November 2023, reference SCL23-05-NAR-01 to the satisfaction of the Responsible Authority.

Compliance with Documents Approved Under the Permit

21. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority.

Landscape Plan Required

22. Prior to the plans being endorsed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must include a 20 metre vegetation buffer around the perimeter of the site that will provide screening for all surrounding properties. The landscaping plan must consist of indigenous trees and shrubs and ensure an effective visual screen to the satisfaction of the Responsible Authority.

Completion of Landscaping

23. Before the use starts or by such later date as approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping Maintenance

24. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority. Any dead, diseased, or damaged plants are to be replaced within twelve months.

Access to Managers Residence

25. Access to the proposed managers residence must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority.

Water Supply

26. The proposed managers residence must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes to the satisfaction of the Responsible Authority.

Fire Fighting Facilities

27. The following fire fighting facilities must be provided to the proposed managers residence:

- a) At least 10,000 litres of water set aside for firefighting and located within 60 metres of the dwelling.
- b) If stored in a tank, it must be equipped with CFA compatible fittings, as detailed below:
 - At least one 64mm, 3 thread / 25mm x 50mm nominal bore BSP, round male coupling to CFA specifications
 - All pipe work and valving between the water supply and the outlet must be no less than 50mm nominal bore, and
 - If less than 20 metres from the dwelling, each outlet must face away from the dwelling on the opposite side of the water supply.
- c) An all-weather track to the dwelling and the water supply that will enable a fire truck to gain access.

Electricity Supply

28. The proposed managers residence must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the Responsible Authority.

Native Vegetation

29. No native vegetation is to be removed as a consequence of the works allowed by this permit, except in accordance with the provisions of the Gannawarra Planning Scheme.

Coliban Water

30. The owner is required to enter into Coliban Water's Agreement for Supply of Water as water will be made available to this development under the terms and conditions of this agreement.

31. Application through the Coliban Water Consent to Connect Process is required prior to any water supply service being amended and/or connected to Coliban Water assets. Any change of use of the current water service will also require an application from Coliban Water Consent to Connect Process.

Goulburn Murray Water

32. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).

33. The development must be undertaken in accordance with the requirements of the Victorian Code of Accepted Farming Practice for the Welfare of Poultry (Revision 2).

34. The poultry sheds must be located at least 50m from Goulburn Murray Water Torrumbarry channels 5/4/7/2 and 4/7/2 and Goulburn Murray Water Torrumbarry drain 1/4 with a buffer strip of vegetation established and maintained between the sheds and the channel or drain.

35. All construction and on-going activities on the site must follow sediment control principles as outlined in EPA Publication 275, *Construction Techniques for Sediment Pollution Control* (EPA,

- 1991). All soil removed during construction of the dams must be reused, stabilized or vegetated on-site to ensure that no sediment can be transported off-site.
36. The floors of the sheds must be constructed with an impervious surface such as concrete or of clay compacted to achieve a design permeability of 1×10^{-9} m/sec. The shed must be designed to ensure that all litter can be retained within the shed until removal is required.
 37. Stormwater and drainage from hard stand areas and the areas around the sheds must be directed to a retention dam which must be designed with a capacity and freeboard to enable the run-off from a 1 in 10 year storm to be retained. Any overflow from the dam must not cause erosion. Stormwater from catchment unrelated to the development area must not be directed to the retention dam.
 38. Retention dams must be lined with an impervious liner and if clay is used it must be compacted to a seepage rate of not greater than 1×10^{-9} m/sec. The dam must be operated to a minimum level to ensure the liner does not dry out and crack. There must be no discharge of water from the dam to any Goulburn Murray Water channels or drains.
 39. No contaminated run-off containing any waste material from the sheds must be allowed to enter the retention dam or any Goulburn Murray Water channels or drains or be discharged off-site.
 40. Contaminated litter removed from the sheds must be transported off site by an approved contractor to an approved site.
 41. There must be no spent litter from the sheds stockpiled on the site. Any temporary storage areas for wet litter must have an impermeable base and bunding to ensure contaminated run-off does not discharge from the temporary storage area.
 42. All dead birds must be disposed of off-site or managed on-site to the satisfaction of the Environment Protection Authority.
 43. All wastewater from the proposed manager's residence and amenities buildings must be treated and disposed of using EPA approved systems, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Conformity.
 44. All wastewater disposal areas must be located at least 60m from any dams and Goulburn Murray Water channels or drains.
 45. The wastewater disposal areas must be kept free of all infrastructure including buildings, driveways, tanks and service trenching and must be planted with appropriate vegetation to maximise their performance. Stormwater must be diverted away.
 46. Any chemicals stored onsite must be kept in accordance with the EPA Publication 1698 *Liquid Storage and Handling Guidelines (June 2018)*.

Note:

The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

North Central Catchment Management Authority

47. No runoff from the site may be permitted to enter any designated waterway. Prior to the commencement of works, detailed engineering plans and computations must be supplied to the North Central CMA that demonstrates the following:
 - a) The internal drains and dam(s) must be designed to hold runoff from the site from storm events up to and including the 10% AEP storm event.
 - b) Banks surrounding the site must prevent flood water from entering the site.

48. The proposed sheds, feed silos and other buildings must be constructed on earthen fill pads with finished surface levels no lower than 600mm above the natural surface level at the centre of the northern site.
49. Prior to the commencement of works, design plans of the proposed all weather access track from Hebb Road to the northern sheds must be provided to the Responsible Authority and the North Central CMA for approval. The finished surface level of the track must be no lower than 78.0 metres AHD and must be designed to ensure any drainage paths are preserved.
50. Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, the proposed development must not reduce the available flood storage on the site. A cut and fill balance ratio of 1.3:1 must be achieved for land within the flood prone area of the site. That is, the volume of cut shall exceed fill by 30%. Any proposed cut must be self-draining. Prior to the commencement of works, detailed plans and computations demonstrating how this condition will be achieved must be provided to the North Central CMA for approval.

Note:

Flood levels for the 1% AEP probability (100-year ARI) have not been determined for this area under the Water Act 1989. However, information available at North Central CMA indicates that in the event of a 1% AEP flood event it is likely that the property may be subject to inundation from Calivil Creek.

Powercor Australia

51. The applicant shall provide an electricity supply to the development in accordance with the Distributor's requirements and standards.
Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
52. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).
Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
53. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
54. Any construction work must comply with the Energy Safe Victoria's "No Go Zone" rules.
*Notes: To apply for a permit to work go to our website:
<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator> and apply on line through the No Go Zone Assessment.*

Time for Starting and Completion

55. This permit will expire if one of the following circumstances applies:
- The development and use is/are not started within two years of the date of this permit.
 - The development is not completed within five years of the date of this permit.
- In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note 1: A Building Permit must be obtained prior to commencing any building works.

Note 2: All building works must comply with the Victorian Building Regulations.

Note 3: Any new or otherwise vehicular entrances to the subject land from the road must be designed and constructed as per the Infrastructure Design Manual Standard Drawing

265. Consent for 'Works Within the Road Reserve' must be obtained from Council prior to carrying out any vehicle crossing works

Note 4: Gannawarra Shire Council has no plans to upgrade Nancarrow Road from its existing Access Minor standard

Note 5: The total display area of Business Identification signage to the premises must not exceed 3m².

Note 6: The Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

Note 7: Aboriginal Cultural Heritage

Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must be notified immediately of any such discovery at GPO Box 2392V, Melbourne 3001 or on (telephone) 1300 551 380.

If any suspected human remains are found, work in the area must cease and the Victoria Police and the State Coroner's Officer must be informed of the discovery without delay. The State Coroner's Office can be contacted at any time on Telephone (03) 9684 4444.

If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery should also be reported to Aboriginal Affairs Victoria on (telephone) 1300 888 544 or (03) 9208 3287 and the provisions of Division 2 of Part 2 of the Aboriginal Heritage Act 2006 will apply.

Officers of Aboriginal Affairs Victoria shall be permitted access to the site at any reasonable time, for the purpose of monitoring adherence to conditions above.

All Aboriginal Cultural Heritage, that is, Aboriginal places, Aboriginal objects and Aboriginal human remains, is protected under the State Aboriginal Heritage Act 2006. It is an offence to do an act that will harm Aboriginal Cultural Heritage or is likely to harm Aboriginal Cultural Heritage.

Please note that under the Aboriginal Heritage Act 2006 any works involving high impact activities located within 200 metres of a culturally sensitive area, will require the development of a Cultural Heritage Management Plan. For more information regarding the kind of activities that trigger a Cultural Heritage Management Plan please refer to the Aboriginal Heritage Regulations 2007 or follow the web link to <http://www.aav.nrms.net.au/aavQuestion1.aspx>.

EXECUTIVE SUMMARY

This report is being presented to Council to determine a planning application for the use and development of land for a poultry farm (free range layer hen facility) and associated buildings and works in accordance with the endorsed plans at 8511 Murray Valley Highway, Kerang East.

The application was advertised in the Gannawarra Times newspaper and to surrounding property owners and occupiers and two written objections were received.

The proposal is considered to be appropriate for the site and consistent with the provisions of the Gannawarra Planning Scheme. The application has therefore been recommended for approval.

PURPOSE

To seek Council's decision on planning application P23089 for the use and development of land for a poultry farm (free range layer hen facility) and associated buildings and works.

DECLARATIONS OF CONFLICT OF INTEREST

The Officer preparing this report declares no Conflict of Interest in regard to this matter.

COUNCIL PLAN

Gannawarra Shire Council Plan 2021-2025:

- Continue to support existing agriculture and facilitate diversification to improve regional productivity through sustainable planning.

BACKGROUND INFORMATION

The property as a whole comprises of 4 parcels of land. The parcels of land relevant to this application are Lots 1, 2 and 3, TP173402X, 8511 Murray Valley Highway, Kerang East.

The proposal is to establish a poultry farm (free range layer hen facility) and associated buildings and works. It also includes the development of a new dwelling being a mangers residence.

The proposed development essentially comprises two components one being a Poultry Rearing Facility and a Free Range Egg Laying Facility. The proposed rearing facility comprises four rearing sheds which would house up to 50,000 birds (200,000 birds in total). These birds/chickens would be raised from a day old to 16 weeks of age where they would then be used to stock the free range egg laying facility. The proposed free range egg laying facility comprises four sheds which would house up to 100,000 birds each (400,000 birds in total). The birds would be free-ranged at a density of 1,500 birds per hectare with each shed having a segregated ranging paddock.

The proposal also includes the development of a new dwelling being a mangers residence, amenities buildings, pump shed, laundry room, container shelter and bio reclamation facility. Additionally, the following works are proposed to be undertaken construction of a bio-sanitation pad, truck sanitation booth, storage dam, two borrow pits, detention basins, concrete hardstand areas, feed silos, earthen bunding (as shown on the plans), internal fencing and formation of the internal road network.

It is stated on Page 28 of the submitted report that a business identification sign measuring no more than 2m x 1.5m will be located at the Hebb Road entrance displaying the following information:

- Kinross Farm with Company Logo
- Site Address and
- Site Contact Details

The total display area of the proposed sign equals 3m². No additional signage may be permitted to be put up for display.

A copy of the application can be viewed [here](#).

CONSULTATION

The application was not required to be referred to any authority pursuant to Section 55 of the *Planning and Environment Act 1989*.

Notice of the application was given externally to Coliban Water, EPA Victoria, Powercor, Goulburn Murray Water, North Central Catchment Management Authority and Agriculture Victoria under Section 52 of the *Planning and Environment Act 1989*. None of the authorities offered any objection to the granting of a planning permit subject to conditions.

The application was referred internally to the Council's Engineering, Environmental Health and Building departments, who offered no objection subject to the inclusion of conditions.

Notice of the application was given to adjoining property owners and occupiers on 5 January 2024 and a notice was placed in the Gannawarra Times newspaper on Tuesday 9 January 2024.

Following a request for further information from NCCMA, the applicant was required to redesign the layer hen sheds. This required further notice of the application to the authorities and public.

Notice of this amendment was then given to adjoining property owners and occupiers on 9 February 2024. Following this further notification, two written objections were received.

The key issues raised in the objections were:

- Road safety concerns.
- The proposal fails to detail the impact the development would have on the passageway of floodwater and the effects on the river health values, including wetlands and drainage water.
- Nutrient management during flood events.
- Biosecurity concerns due to the proximity to the existing piggery.

The first objection was received by Council on 23 February 2024 and was in relation to road safety. A consultation meeting was held with Council officers, the applicant, proponent, and the objector on Tuesday 12 March 2024. The objector was able to articulate their concerns about the road safety and following discussions and further considerations and conditions to be included on any approval, the objector verbally advised that they were willing to withdraw their objection. At the time of writing this report, an official withdrawal had not been received.

Another objection to the application has now been received by Council, however, this was after the consultation meeting had already occurred.

ASSESSMENT

The subject land is situated within a Farming Zone (FZ) pursuant to the Gannawarra Planning Scheme. Some of the purposes of the FZ are to provide for the use of land for agriculture; to encourage the retention of productive agricultural land; to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision; and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

A planning permit is required pursuant to Clause 35.07-1 of the planning scheme for use of land as a Poultry Farm as more than 100 chickens are proposed to be kept on the subject land. The Planning Scheme defines Poultry Farm as 'Land used to keep or breed poultry.' Poultry Farm which is defined separately under the Planning Scheme is nested under the land use term Animal

Production, this is nested under Animal Husbandry which in turn is nested under Agriculture. It is important to note that the proposal is for a Poultry Farm and not a Broiler Farm.

A planning permit is required pursuant to Clause 35.07-4 as all the buildings associated with the project (sheds, amenities buildings, pump sheds, laundry room, managers residence etc.) and works i.e. dam, borrow pits, bio-sanitation pad are associated with a use in Section 2 of Clause 35.07-1.

A planning permit is also triggered pursuant to Clause 35.07-4 as some of the buildings are located less than 100m from a waterway i.e. GMW Drain 1/4 and GMW Channel 4/7/2.

A portion of the northern part of Lot 1 is covered by the Land Subject to Inundation Overlay (LSIO) as is the northern/north eastern portion of Lot 2. The remainder of these Lots is covered mainly by the Environmental Significance Overlay Schedule 4 (ESO4). However, two small parts of Lot 1 are covered by the Rural Floodway Overlay (RFO), these are located towards the south western corner of the allotment, and a fraction of the north eastern corner of Lot 2 is covered by RFO also. In regards to Lot 3 it is covered mostly by the ESO4, however, the western portion of the site is covered by the RFO. All three lots are covered by the Specific Controls Overlay Schedule 2.

The revised drawings supplied by the permit applicant on 8 February 2024 (which show the sheds for the free range egg laying facility located outside the 2011 flood area) indicate that the sheds for the free range egg laying facility, amenities buildings provided to each shed, silos for each building and hardstand area are located wholly within the ESO4. As is the dam and proposed pump shed. One of the purposes of the ESO4 is 'To identify areas where the development of land may be affected by environmental constraints.' One of the Environmental Objectives to be achieved the ESO4 is 'To ensure that any development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and with local drainage conditions and will not cause any significant rise in flood levels or flow velocity.' Clause 42.01-2 states that a permit is required to construct a building or construct or carry out works, this does not apply if a schedule to this overlay specifically states that a permit is not required. As the floor area of each shed well exceeds 200m² (the floor area for each building is 6,624m²) and the amenities buildings are not exempt under the ESO4 provisions a planning permit is triggered for this component of the project pursuant to Clause 42.01-2. It is noted that the free range paddock area where the birds will be able to wander is covered predominantly by the ESO4, however, some parts of the free range areas are located within the LSIO and RFO. It is understood that the works to occur within the free range areas are the construction of fencing and provision of an internal road to access each building from the south i.e. Lot 3.

Any fencing located within the RFO requires planning approval pursuant Clause 44.03-2 as the fencing to be used is not open style it is mesh style fencing. Furthermore any fencing located within the LSIO requires planning approval pursuant to Clause 44.04-2 as the fencing is not regarded as open style.

In respect of the buildings and works proposed to be undertaken on Lot 3, it is noted that all works are to be located within the ESO4. As the sheds comprising part of the rearing facility exceed 200m² (the floor area of each building is 2,898m²) a planning permit is triggered pursuant to Clause 42.01-2. In addition as it is considered that the two amenities buildings and laundry room are not exempt from the following provision under the ESO4 (a single-non-habitable building with a floor area less than 200m² is applicable) therefore a planning permit is also required to undertake these works pursuant to Clause 42.01-2. As the proposed container shelter is below 200m² (72m² in size) and is to be used to store farm equipment and shelter farm machinery it is deemed exempt from the need for planning approval pursuant to Clause 42.01-2. The elevation plans indicate that the finished floor level of the proposed managers residence is above 450mm

(the finished floor level is at 570mm). As the dwelling is to be constructed above the 450mm minimum requirement within the ESO4 provisions a planning permit is not required to construct the proposed dwelling specifically pursuant to the provisions of Clause 42.01-2.

The Planning Policy Framework (PPF)

- Clause 12.01-1L (Flora and fauna protection): The objective is 'To protect and enhance remnant native vegetation and native flora and fauna habitat.'
- Clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs): The objective is 'To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.'
- Clause 13.02-1S (Bushfire planning): The objective is 'To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.'
- Clause 13.03-1S (Floodplain management): One of the objectives is 'To assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.'
- Clause 13.05-1S (Noise management): The objective is 'To assist the management of noise effects on sensitive land uses.'
- Clause 13.06-1S (Air quality management): The objective is 'To assist the protection and improvement of air quality.'
- Clause 14.01-2S (Sustainable agricultural land use): The objective is 'To encourage sustainable agricultural land use.'
- Clause 14.01-2R (Agricultural productivity - Loddon Mallee North): One of the strategies listed is 'Support emerging agribusinesses and location clusters, including intensive animal industries.'
- Clause 14.01-2L (Sustainable farming): One of the strategies is 'Encourage on-farm drainage and sustainable agricultural industries that are based on efficient use and re-use of water.'
- Clause 14.02-1S (Catchment planning and management): The objective is 'To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.'
- Clause 14.02-2S (Water quality): The objective is 'To protect water quality.'
- Clause 14.02-3S (Protection of declared irrigation districts): The objective is 'To plan and manage for sustainable change within irrigation districts declared under Part 6A of the Water Act 1989.'
- Clause 15.01-2L (Building siting - Gannawarra): The preferred setback distance for buildings fronting the TRZ2 or Other Roads is 100m and 20m respectively in the FZ the preferred setback distance where buildings are not fronting a road zoned TRZ2 or other roads is the same as above. There is no preferred setback distance from other boundaries is 5m.
- Clause 15.01-6S (Design for rural areas): The objective is 'To ensure development respects valued areas of rural character.'
- Clause 15.03-2S (Aboriginal cultural heritage): The objective is 'To ensure the protection and conservation of places of Aboriginal cultural heritage significance.'
- Clause 17.01-1S (Diversified economy): The objective is 'To strengthen and diversify the economy.'
- Clause 18.02-4S (Roads): The objective is 'To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.'

- Clause 18.02-4L (Roads - Gannawarra): One of the strategies listed is 'Encourage protection of road infrastructure in agricultural areas.'

Particular Provision

- Clause 52.05 (Signs): In the Farming Zone sign requirements are listed as a Category 4 within Clause 52.05-14. Business Identification is listed within Section 2 meaning a planning permit is required to put up for display a Business Identification Sign. A business identification sign is a sign that provides business identification information about a business or industry on land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information. In the Farming Zone a Business Identification must not exceed 3m² in total display area to the premises.
- Clause 52.06 (Car Parking): Clause 52.06 applies to a new use. Before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. The table to Clause 52.06-5 states that for a dwelling with three or more bedrooms 2 car parks must be provided. As there is no car parking requirements specifically required for the use of land for a poultry farm car parking must be provided on the land to councils satisfaction.
- Clause 52.17 (Native Vegetation): It is stated on Page 23 of the submitted report that 'There is no requirement for the removal or lopping of native trees or other vegetation.'
- Clause 52.29 (Land adjacent to the principal road network): It is important to note that no new access to the site is proposed to be created directly off the Murray Valley Highway. It is stipulated within the submitted planning report that there are two existing driveway entries, one located off the Murray Valley Highway and the other off Nancarrow Road. It is clearly stipulated within the application that the entrance off the Murray Valley Highway will be used solely to access the existing house located on Lot 2 (it is noted on Pages 11 and page 23 that the existing dwelling is to be retained and utilized as a farm managers residence). It is stated within the submitted planning report that a new access entry is proposed to be located along Hebb Road. It is clearly indicated that this new entrance will be used as the main entry point for deliveries and the operation of the farm complex. It is stated that vehicles will travel to the site entrance via Kerang Macorna Road then along Hebb Road.
- As no new access is proposed to be created off the Murray Valley Highway and as there is no increase in the amount of traffic accessing the existing site entry along the Murray Valley Highway (traffic associated with the operation of the proposed farm complex is to enter the subject site via Hebb Road) the application is not required to be referred to DoT per Clause 52.29-2.
- It should be noted that all buildings associated with the proposed development i.e. poultry sheds, amenities buildings, rearing sheds, pump shed etc. are setback more than 100m from the Murray Valley Highway as such Section 52 notice of the application was not required to be sent to DoT.
- Clause 53.09 (Poultry farm): The purpose of this Clause is 'To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.'
- Clause 53.10 (Uses and activities with potential adverse impacts): This Clause does not apply in this specific instance.
- Clause 53.18 (Stormwater Management in Urban Development) is not relevant to the assessment of this application.

The decision guidelines of Clause 65

The proposal generally complies with the provisions of Clause 65.01 and Clause 65.02.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

- Any floodplain management manual or guideline of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority.
- Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority.
- Victorian Floodplain Management Strategy
- Aboriginal Heritage Act 2006.

Relevant incorporated or reference documents

Nil.

Relevant Planning Scheme amendments

Nil.

OPTION ANALYSIS

Council has two options in relation to this report:

1. To approve Planning Application P23089 and issue a Notice of Decision to grant a planning permit subject to appropriate conditions. The objectors have the opportunity to appeal Council's decision at VCAT.
2. To refuse Planning Application P23089 and issue a Notice of Refusal stating the grounds of refusal. The permit applicant has the opportunity to appeal Council's decision at VCAT.

RISK IMPLICATIONS

There are no risk implications to Council.

FINANCIAL IMPLICATIONS

Nil.

CONCLUSION

The proposed use and development are considered to be appropriate for this site.

The application was advertised to surrounding property owners and occupiers as well as notice in the Gannawarra Times newspaper and two written objections were received.

It is considered that the proposal is consistent with the Gannawarra Planning Scheme, in particular the Planning Policy Framework and the purpose of the Farming Zone.

Given the above, it is recommended that the application be approved subject to conditions as outlined earlier in this report (see recommendation).

5.4 G11-2023 GLASSHOUSE @ GANNAWARRA

Author: Leigh Hollingworth, Manager Projects and Design.

Authoriser: Wade Williams, Director Infrastructure and Development

Attachments: 1 G11-2023 Evaluation

RECOMMENDATION

1. That Council allocate funding of \$842,000 through Council's Capital Works budget to allow completion of the Glasshouse @ Gannawarra project.
2. Council award contract G11-2023 Glasshouse @ Gannawarra to RTM Constructions Pty Ltd for the lump sum amount of \$2,774,719.55 excluding GST, not subject to rise and fall.

EXECUTIVE SUMMARY

Council has sought tenders for construction of the Glasshouse @ Gannawarra building at the Sir John Gorton Library in Kerang. Upon reviewing the submissions, it is apparent that the current budget allocation is insufficient to enable the project to be completed. While some items have been removed, or substituted with cheaper alternatives to reduce costs, there is a shortfall in funding of \$842,000.

PURPOSE

The Purpose of this report is to provide information to Councillors on the budgetary constraints of the project and seek commitment of additional funding through Council's Capex budget prior to award of contract G11-2023 Glasshouse @ Gannawarra.

ATTACHMENTS

G11-2023 Evaluation

DISCUSSION

To be built at Kerang's Sir John Gorton Library, The Glasshouse @ The Gannawarra will enable this popular facility to provide space for new and emerging community programs to connect, collaborate, create and celebrate together.

The current building lacks the ability to cater for identified community needs. Engaging with young people, enabling lifelong learning through the use of digital technology and a scalable meeting space is required which for small and medium events and community meetings.

The Glasshouse will provide a new, contemporary designed, fully accessible space for the community. The project aims to create a media lab and engagement/meeting space which will provide flexibility and creativity for new and emerging library and community programs. The space will allow Gannawarra Library Service to plan and deliver youth programs including movie making, sound and music recording. The flexible and scalable meeting space will have the technology necessary for modern meetings, conferences and training sessions.

Income

The current budget for the project is made up of two separate grants along with a contribution from Council.

Council was successful in obtaining a Victorian State Government grant for \$1.5 million as part of the Living Libraries Program.

In addition, \$717,955 has been allocated from Council's funding under Phase 4A of the Federal Government's Local Roads and Community Infrastructure Program.

These sources combine to give a current total budget of \$2.225 million as shown below in [Table 1](#).

Table 1: Project Income

Source	Amount
Living Libraries	\$1,500,000.00
Council	\$ 7,400.00
LRCI Phase 4	\$ 717,955.00
TOTAL BUDGET	\$2,225,355.00

Expenditure

To date a total of \$91,900 has been committed towards designs for the new building and landscaping.

A tender for the construction and fit out of the new building was advertised throughout December and January. A total of 4 submissions were received, the tendered prices for the full initial scope of the project are displayed in [Table 2](#). Council officers have conducted post tender negotiations with the preferred tenderer to remove costs from the original tendered prices.

Table 2: Tendered Prices (ex GST)

Tenderer	Price
Tenderer A	\$3,215,358.00
RTM Constructions	\$3,031,586.56
Tenderer C	\$3,274,705.62
Tenderer D	\$3,265,476.10

Council officers have negotiated with the preferred tenderer to deduct \$256,867.01 from the original tendered price to reduce the overall project cost as shown in [Table 3](#). This includes replacing the proposed operable glass wall with a more affordable operable acoustic wall and removing the allowance for landscaping.

The Indigenous Garden Project has the option of being a future Capex budget bid or identify this in the 10-year Financial Plan as fully grant dependent and seek funding. If funding is not achieved, then immediate area can initially be levelled and grassed with landscaping installed at a later date.

Table 3: Projected Budget Requirements

Item	Cost
Design	\$ 92,000.00
Building Construction	\$ 2,774,719.55
Fit Out	\$ 100,000.00
Project Management	\$ 100,000.00
Project Total	\$ 3,066,719.55
VARIANCE	-\$ 841,364.55

To complete the project, further allocation of at least \$842,000 towards the budget is required.

Changes can be made to the existing draft Capital budget to allocate further funding towards the Glasshouse project. This will provide assurance that the funds are available when needed, however other projects would be deferred to future years.

Council could choose to commence the Glasshouse project and pursue supplementary grant funding. However, it's essential to note that grants typically do not cover incurred costs, which may pose timing challenges unless the project is delayed until additional funding is secured. Currently, efforts are underway to request an extension for the Living Libraries grant, originally scheduled for completion by November 2024.

Alternatively, Council may decide that the project cannot proceed due to the funding shortfall, and either abandon or defer the project.

RELEVANT LAW

Not applicable

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

1. Allocate funding of \$842,000 through Council's Capex Capital Works budget to allow completion of the Glasshouse @ Gannawarra project and award G11-2023 Glasshouse @ Gannawarra to RTM Constructions Pty Ltd for the lump sum amount of \$2,774,719.55 excluding GST, not subject to rise and fall.
2. Place the project on hold, seek timing variations from the funding bodies and attempt to source additional external funding.
3. Abandon the project.

SUSTAINABILITY IMPLICATIONS

The project seeks to minimise the use of electricity from the network by installing a large capacity solar array on the roof. By utilising this green energy, the building will be able to operate with minimal environmental impacts and align with Council's commitment, through its Climate Change Strategy, to source energy from renewable sources.

COMMUNITY ENGAGEMENT

Several rounds of community engagement have been undertaken during the development of the plans for the building and landscaping.

Presentations have been made to user groups, Kerang Elders Group meetings, internal staff and Kerang Progress Association. Extensive public consultation has been undertaken including “Have Your Say” on council’s website, displays and feedback forms at the Sir John Gorton Library and Kerang Customer Service as well as drop-in sessions in Victoria Square.

This consultation has helped shape elements of the design including reorientation and shading of the glazing, layout of the floor plan, landscaping elements, better connection to the outside space for public events and children’s learning activities, public lighting as well as provision of facilities and amenities.

INNOVATION AND CONTINUOUS IMPROVEMENT

The technology in the building seeks to allow for innovative use of the space and will allow for the projection of digital artwork to engage with a new generation of artists.

Installation of a 14kW solar system will facilitate the possible future installation of a storage battery which would allow the building to be used in the case of emergencies involving power outages.

COLLABORATION

Not applicable.

FINANCIAL VIABILITY

Construction of the building will result in an increase in depreciation costs. The inclusion of a 14kW solar system will seek to minimise increases in operational costs and allow for future installation of a storage battery. No additional staffing is proposed as a result of the project going ahead.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025:

- Goal 1 Liveability - Build unique transformational infrastructure that enhances liveability and passive and active recreation.

Council Action Plan Year 3:

- Strategic Priority 3 - Construct a regional community wellbeing centre.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares they have no conflict of interest in regards to this matter.

Gannawarra Shire Council

Contract name: Glasshouse @ Gannawarra
 Contract number: G11-2023

Criteria	Weight	Tenderer A		RTM Constructions		Tenderer C		Tenderer D	
		Score	Wghtd score	Score	Wghtd score	Score	Wghtd score	Score	Wghtd score
1 Price - Financial Cost to Council	0.35	4.44	1.55	5.79	2.03	5.50	1.93	4.50	1.57
2 Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	8.00	1.60	8.00	1.60	8.00	1.60	8.00	1.60
3 Tenderer's experience on similar projects and standing, experience and skill within the industry	0.20	8.00	1.60	9.00	1.80	9.00	1.80	6.00	1.20
4 Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks	0.15	7.00	1.05	7.00	1.05	8.00	1.20	7.00	1.05
5 Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	9.00	0.90	8.00	0.80	5.00	0.50	5.00	0.50
TOTAL WEIGHTEDSCORE :			6.70		7.28		7.03		5.92

Criteria	Weight	Comments	Comments	Comments	Comments
Price - Financial Cost to Council	0.35	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	Have the necessary skills, resources and trades to complete the project.	Have the necessary skills, resources and trades to complete the project.	Have the necessary skills, resources and trades to complete the project.	Have the necessary skills, resources and trades to complete the project.
Tenderer's experience on similar projects and standing, experience and skill within the industry	0.20	Wide range of experience including council buildings, schools, recreation buildings, hospital buildings	Wide range of experience including council buildings, schools, recreation buildings, hospital buildings, offices, and clubs	Wide range of experience including council buildings, schools, recreation buildings, health buildings, offices, and clubs	Company has completed smaller scale building works. Individuals have experience on large scale commercial buildings.
Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks	0.15	Have the necessary policies and procedures in place for OHS, Environmental and Quality management. Have adequate insurance cover.	Have the necessary policies and procedures in place for OHS, Environmental and Quality management. Have adequate insurance cover.	ISO accredited OHS, Environmental and Quality systems. Have adequate insurance cover.	Have the necessary policies and procedures in place for OHS, Environmental and Quality management. Have adequate insurance cover.
Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	Based within municipality. Propose using several local trades.	Based in neighbouring municipality. Using trades from neighbouring municipality.	Based regionally. Strive to creating long-term relationships with locally based trades and businesses	Based regionally. No local trades identified.

Evaluation Panel

Name: Wade Williams
 Title: Director Infrastructure & Development

Name: Leigh Hollingworth
 Title: Manager Projects & Design

Name: Laine Gibbons
 Title: Civil Projects Officer

The above personnel were previously approved to form the Evaluation Panel.

Consideration has been given when establishing the above evaluation panel to ensure proper probity issues are considered, especially when an existing contractor may be involved in the tender process.
 All members of the Evaluation Panel shall be signatories to this report declare their probity and confidentiality in dealing with this tender evaluation.

The evaluation process used was in accordance with the

Gannawarra Shire Council

Contract name: Glasshouse @ Gannawarra
 Contract number: G11-2023

	Tenderer A	RTM Constructions	Tenderer C	Tenderer D
Tender price:	3309597.00	2887415.81	2976579.70	3293191.59
Median Price	3134885.65	3134885.65	3134885.65	3134885.65
(Median Price -Tender Price)	-174711.36	247469.84	158305.95	-158305.95
10 x (Median \$ -Tender \$) / Median \$	-0.56	0.79	0.50	-0.50
Financial Criteria Score:	4.44	5.79	5.50	4.50

Median Price: \$

5.5 TOURISM IMPACT OF THE GUNBOWER FOREST

Author: Roger Griffiths, Executive Manager Economic Development

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council note the report on the Tourism Impact to the Gunbower Forest.

EXECUTIVE SUMMARY

Watering of key wetlands is being undertaken in many regions as climate variability is impacting the natural flooding regimes of waterways. The Gunbower forest watering project is being undertaken with community input and with the advice and direction from qualified scientists and botanists all working through the North Central Catchment Management Authority (NCCMA). The watering program covers around 25% of the forest and around 40% of the water used is recovered after re-entering the Murray River. Environmental water has been made available as the flooding regimes and rainfall patterns change.

PURPOSE

To provide Council with a summary of information relating to the artificial watering of key wetlands within the Gunbower Forest and the impacts on Tourism.

ATTACHMENTS

Nil

KEY POINTS

As an internationally important wetland it includes one of the most significant remaining areas of river red gum forest in Australia. It is also Australia's largest inland island, bounded by the Murray to the north and Gunbower Creek to the south. The forest is home to many endangered plants and animals, such as the giant banjo frog and the intermediate egret. It contains numerous sites of Aboriginal and post-settlement cultural heritage. These sites indicate peoples' strong connection to the forest, both historically and today. The forest is managed by Parks Victoria and DEECA.

The NCCMA's mission for Gunbower Island is to maintain and improve Gunbower Island by enabling native plants and animals to flourish, restoring the floodplain's health for future generations. One of the key drivers in managing the forest is the reduction of natural flooding events. Many people tell stories about the regular flooding that was common with many of our rivers and wetlands and how reduced flooding is having a detrimental impact on the health of the forest and the wetlands within. The pattern of the Murray River's flow is no longer natural with the river regulated by the many dams and weirs and the needs of irrigated agriculture.

Regulation of the Murray River has meant that fewer floods occur and, when they do, less water breaks the river's banks and reaches Gunbower Forest. This has impacted on the diverse plant and animal life throughout the forest and has been backed up by a range of scientific evidence.

Without Murray River regulation, rainfall and streamflow records indicate that water would have flowed onto the floodplain from July to January. Regular and long periods of flooding, as often as 7 years in every ten, is vital for the health of the forest's trees, wetlands, and wildlife. Up to 74 GL will target the full environmental water footprint, which is about 4,500 hectares, or 23 per cent, of Gunbower Forest.

Water is usually released through regulators on the lower Gunbower Creek, until early November. If needed, much smaller volumes of water may be delivered to specific wetlands to support waterbird breeding and other ecological values. Water levels across the forest will gradually recede over late spring and summer. About 40 per cent of the water put on the floodplain is expected to flow back out to the Murray River, taking with it some of the best fish food in the Basin.

Without the ability to deliver large volumes of environmental water, many of the rare plants and animals of Gunbower Forest will disappear. The Flooding for Life project incorporates a combination of environmental watering, engineering works, monitoring, indigenous partnership programs and community engagement. Many of the forest wetlands have shown significant rejuvenation since the watering regimes have been implemented. Cohuna resident Stan Archard has had a long association with water and flooding commented that a lack of water was the biggest threat to the redgum forests. Mr Archard works closely with the NCCMA as a community representative sharing his many years of local knowledge with Park managers.

Most visitors that access Gunbower Island for recreation are seeking access to the creek and river. When the forest is watered using the Hipwell Road regulator access to the Gunbower Creek and Murray River is largely maintained, via Koondrook track and River Track. Visitors can still get access via alternate routes which may take an extra 15 -20 mins. Access to some of the wetlands such as Reedy Lagoon and Black Swamp is also still possible during environmental watering events. The Gateway centre has this information available as do the relevant websites.

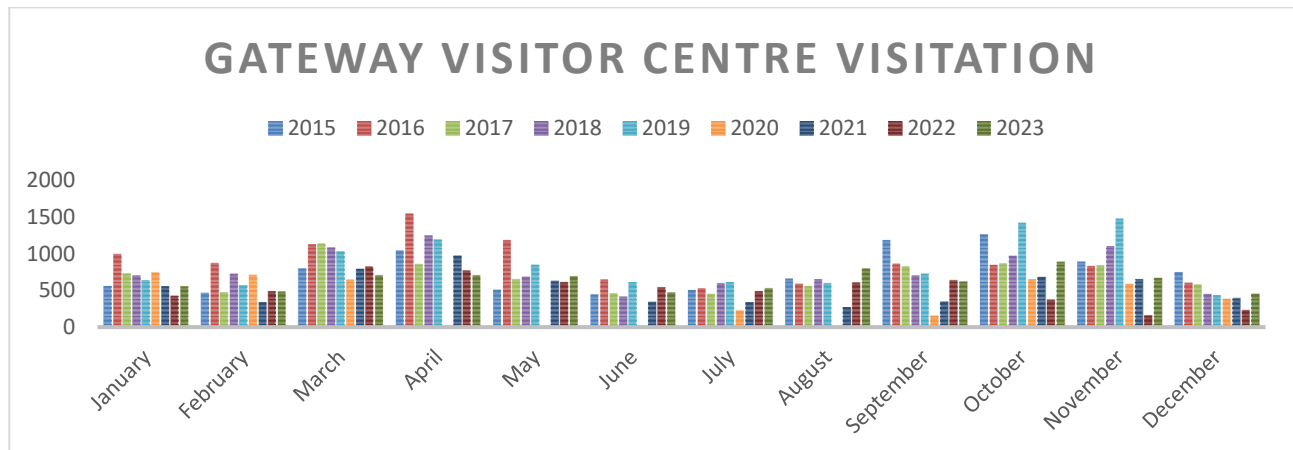
Access to the forest has always been subject to weather in particular flooding and rainfall events and all activities within the forest have always managed around these implications. It's not a simple task to measure people activity when you have multiple entry points and changing weather and forest conditions. Gateway statistics clearly show a decline in visitation over the winter period, and this runs true to fishing and camping. Cod season opens on December 1 and this is when fishing becomes more active. September, October, and November show steady visitation. Sydney Harbour Kayaks run regular tours through the forest during flooding showcasing the unique environmental aspects. Cohuna caravan park numbers are still very strong, and Council has received 2 enquiries for a cabin and camping park on Island road indicating a strong sense of value for further tourism activities within the Parks.

Staff have previously undertaken some local research on indicative traffic movements into the forest based on traffic counts at 2 entry points. This data was expanded out over seven key entry points with a range of scenarios to get indications of vehicle numbers. There are around 12 - 14 entry points so using 7 is very conservative. Data suggests there are around 15,000 people camping the forest in January using averaged data for 7 entry points and around 90,000 for the year. Change that to 14 entry points and you have closer to 30,000 in January and 175,000 for the year. It has always varied with natural flooding restricting access so in reality the artificial flooding maintains somewhat of a status quo with the natural regime of past years. Natural flooding in

2022 inundated about 10,000 Ha of the forest or 50% of the forest, which substantially impacts access.

The VEWH commissioned a Socio-economic study of environmental water in 2019/2020;

- Benefits generated from watering at Gunbower Forest is conservatively estimated to be in the range of \$1 million to \$4 million per year at 2020, increasing to between \$3 million and \$8 million per year by 2030. When other ecosystem assets are also taken into account, for example the other Living Murray icon sites, the overall value of recreation related benefits provided by environmental watering is likely to be substantial.



Gateway visitor statistics over an eight-year period from 2015 to 2023. There is always an obvious decline over winter with September, October November being the most popular followed by March and April.

RELATED COUNCIL DECISIONS

Request for this report relates to Notice of Motion 89 from December 2023 Council meeting.

COUNCIL PLANS AND POLICIES

Not applicable.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict-of-interest in regard to this matter.

6 NOTICES OF MOTION

6.1 RESPONSE TO NOTICE OF MOTION - 86

Author: Jodie Basile, Executive Assistant to CEO

Attachments:

- 1 Letter to NCCMA requesting the justification of Flooding of the Gunbower Forest
- 2 Response from NCCMA on the justification of Flooding of the Gunbower Forest

RECOMMENDATION

That Council note the attached response letter from Brad Drust, Chief Executive Officer, North Central Catchment Management Authority in relation to Notice of Motion 86 – Flooding of the Gunbower Forest.

EXECUTIVE SUMMARY

At the 19 July, 2023 Council meeting Cr Garner Smith moved Notice of Motion 86 requesting that Council write to the North Central Catchment Management Authority requesting:

- Justification of the flooding of the Gunbower Forest for the third consecutive year, directly after a major flood event in 2022
- Reassurance for the Gannawarra Shire Council and the Gannawarra community that
 - Continued watering will not harm the health of the forest
 - Will not contribute to possible flooding either directly around the forest or along the Gunbower Creek system, considering all river storages are at a maximum and the soil profile is full
 - Will not result in backflow of black water or flooding debris into the Gunbower Creek that may result in fish kills and negatively impact the water supply for Gunbower Creek communities, including Cohuna.

Council wrote to North Central Catchment Management Authority on 16 August, 2023 and received the attached response from Chief Executive Officer, Brad Drust on 1 November, 2023.

Letter sent from Gannawarra Shire Council and received from North Central Catchment Management Authority are attached for information.



Our Ref: 3.000211
OUT23/5DE5CAEF
GR:MM

16 August 2023

Mr Brad Drust
Chief Executive Officer
North Central Catchment Management Authority
Brad.Drust@nccma.vic.gov.au

Dear Brad

Gunbower Forest

At the July 2023 meeting of the Gannawarra Shire Council, it was resolved that Council write to the North Central Catchment Management Authority (NCCMA) requesting justification of the flooding of the Gunbower Forest for the third consecutive year, directly after a major flood event in 2022.

Council is seeking this reassurance for the community and it would be greatly appreciated if the following statements could be considered and responded to.

That the continued watering:

- will not harm the health of the forest;
- will not contribute to the possible flooding either directly around the forest or along the Gunbower Creek system, considering all river storages are at a maximum and the soil profile is full; and
- will not result in backflow of black water or flooding debris into the Gunbower Creek that may result in fish kills and negatively impact the water support for Gunbower Creek communities, including Cohuna.

Council is committed to working with the NCCMA on achieving the vision of 'sustainably managed land, water and biodiversity resources that support productive and prosperous communities in a changing climate' and acknowledge the importance of the role that the Authority plays in relation to the health and wellbeing of the communities.

If you have any further questions, please do not hesitate to contact Council's Acting Director Infrastructure and Development, Wade Williams on 03 5450 9333.

Yours sincerely

A blue ink handwritten signature of Geoff Rollinson, written over a light blue scribbled background.

Geoff Rollinson
CHIEF EXECUTIVE OFFICER

PATCHELL PLAZA, 47 VICTORIA STREET, KERANG VIC 3579 | PO BOX 287, KERANG VIC 3579
TEL: (03) 5450 9333 FAX: (03) 5450 3023 council@gsc.vic.gov.au | ABN 98 993 182 937



1 November 2023

Geoff Rollinson
Chief Executive Officer
Gannawarra Shire Council

By email: Geoff.Rollinson@gsc.vic.gov.au

Dear Geoff

Re: Gunbower Forest

Thank you for your letter regarding Gannawarra Shire Council's request for justification of the recent environmental water delivery in Gunbower Forest.

As you know, Gunbower Forest forms part of The Living Murray's Gunbower-Koondrook-Perricoota Icon Site, one of six iconic sites along the Murray River chosen for their environmental, cultural and international significance. As the Icon Site Manager, the North Central CMA coordinates an environmental watering program that supplements the forest's natural flooding regime. The program is guided by a goal to protect and improve health of the forest, particularly the 4,500 hectares (23% of the total forest area) of red gum forest and wetlands and associated flora and fauna within the footprint of the current environmental watering infrastructure.

Given this role, I am pleased to provide a response to your queries, and I have responded directly to the assurances you seek in your letter below.

1. Continued watering will not harm the health of the forest

The red gum forest areas that are the target of the watering program have evolved with regular flooding and are dependent upon regular flooding to support their health. The forest, within the environmental water footprint, has experienced seven flood or environmental watering years over the past 20 years - around half of the flooding frequency required to support a healthy river red gum floodplain. Despite the large natural flood in 2022, these parts of the forest still have a major water deficit that needs to be addressed. With a natural flooding frequency of seven years in ten, flooding or environmental watering in consecutive years is not unnatural for the water dependent areas of the forest.

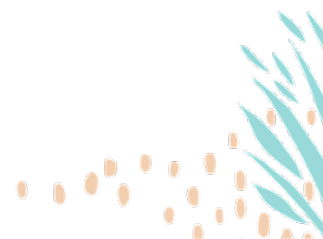
The health of the forest and the water deficit were strong factors in the decision making ahead of the 2023 environmental watering event. This process included seeking advice from a Technical Advisory Group of expert ecologists, our community advisory group and Traditional Owners. The watering was identified as a very high priority to assist in the ongoing recovery of river red gum trees, to improve the condition of flood-dependent understorey and to provide a place for waterbirds to feed – within the area of the forest that can be targeted with the current environmental watering infrastructure.

Connecting rivers, landscapes, people

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f @ t





North Central CMA staff and expert ecologists have been assessing the forest's response to the combined environmental watering and natural flooding that has again occurred in recent months and to date have observed some positive responses including:

- Improved aquatic and amphibious vegetation condition across the floodplain.
- A continued positive trajectory in health of river redgums within the forest, especially canopy fullness and vigour.
- Good numbers of waterbirds using the forest for feeding, breeding and roosting.

We are pleased with these initial observations and will continue to monitor the forest response in coming months.

As part of the Icon Site Manager role the North Central CMA coordinates a long-term monitoring program that tracks the condition of the forest and reports from this program are publicly available on the Murray Darling Basin Authority's website: [Gunbower Forest monitoring reports | Murray-Darling Basin Authority \(mdba.gov.au\)](https://www.mdba.gov.au/gunbower-forest-monitoring-reports)

2. Watering will not contribute to the possible flooding either directly around the forest or along the Gunbower Creek system, considering all river storages are at a maximum and the soil profile is full

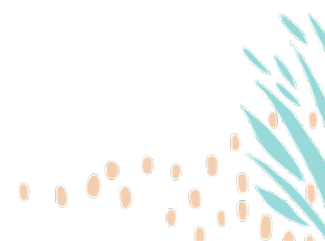
North Central CMA understands the impact of the 2022 floods on Gannawarra Shire residents and their concern about the possibility of future flooding.

As noted above, the current environmental watering infrastructure only waters 23% of Gunbower Forest and there is flood storage available on the floodplain outside of this area in the event of natural, overbank flooding from the Murray River. For additional context, the amount of water for the environment delivered to the forest is modest relative to the recent high and unregulated flows in 2022 and winter 2023. Prior to the 2022 floods, the total amount of water delivered to Gunbower over a 4-month period (41.8GL) was less than the amount of water passing Torrumbarry Weir in one day (approximately 50GL/d).

When an environmental watering event is underway, the North Central CMA, in partnership with Murray-Darling Basin Authority, Goulburn-Murray Water and land managers, regularly monitor the progress of the watering, as well as conditions in the Murray River. As part of an adaptive approach, environmental water deliveries to the forest are reduced or ceased for periods of time as its needs are met by overbank flows from the Murray River. We have operated in this way throughout the 2023 watering event, which has interacted with overbank flows in recent months, and have not observed any flooding impacts.

3. Watering will not result in backflow of black water or flooding debris into the Gunbower Creek that may result in fish kills and negatively impact the water support for Gunbower Creek communities, including Cohuna.

Large flood events, such as that experienced in 2022, can create hypoxic (low or no oxygen) blackwater conditions when they entrain significant amounts of built-up organic material as they flow over large areas of infrequently flooded catchment and floodplain. The hypoxic water that exited from the forest into Gunbower Creek during 2022 was an example of blackwater associated with a large flood, with similar blackwater conditions observed in many other locations in northern Victoria.





These conditions are very different to managed water for the environment deliveries. In a smaller and slower managed water delivery, the amount of organic material is much less and in turn the risk of hypoxic black water is lower. In an environmental water delivery, water in and flowing from the forest can be dark coloured but typically with adequate oxygen levels and rich in carbon and nutrients. This is vital food for the food chain that supports native fish and, provided conditions are suitable, releasing this water into the Murray River and Gunbower Creek in a coordinated manner is an important watering outcome.

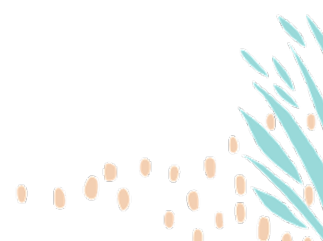
To inform management during an environmental watering event the North Central CMA regularly tests water quality conditions in and around the forest with specific focus on dissolved oxygen levels as an indicator of hypoxic blackwater. We have applied this approach during the 2023 watering event and to date have not observed any hypoxic blackwater conditions in Gunbower Creek.

Thank you for raising these queries with me. If you would like more information about water for the environment in Gunbower Forest please contact Rachel Murphy, Executive Manager – Program Delivery, North Central CMA on (03) 5440 1827 or rachel.murphy@nccma.vic.gov.au

Yours sincerely

A handwritten signature in black ink that reads "Brad Drust".

Brad Drust
Chief Executive Officer



7 QUESTION TIME

Question Time provides an opportunity for members of the public to submit questions, in advance, to gain a response at the Council meeting.

QUESTIONS FROM THE GALLERY

Completed Question Time forms must be submitted to the Chief Executive Officer via email council@gsc.vic.gov.au no later than 5:00pm on the day prior to the Council meeting.

A maximum number of two questions may be submitted in writing by any one person.

Questions will be read by the author, Mayor or Chief Executive Officer.

The Mayor or Chief Executive Officer may indicate that they require further time to research an answer. In this case, an answer will be provided in writing generally within ten (10) business days.

Questions will be answered at the meeting, or later in writing, unless the Mayor or Chief Executive Officer has determined that the relevant question seeks confidential information defined in Section 3 of the *Local Government Act 2020* such as:

- Council business information
- security information
- land use planning information
- law enforcement information
- legal privileged information
- personal information
- private commercial information
- confidential meeting information
- internal arbitration information
- Councillor Conduct Panel confidential information
- an issue outside the Gannawarra Shire Council core business

or if the question is:

- defamatory, indecent, abusive or objectionable in language or substance
- repetitive of a question already answered (whether at the same or an earlier meeting)
- asked to embarrass a Councillor or Council officer.

No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

8 CONFIDENTIAL REPORTS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66(2)(a) of the Local Government Act 2020:

7.1 Future of the Building Department Functions

This matter is considered to be confidential under Section 3(1)(h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).